

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

**FOX NEWS NETWORK, LLC and
CHRISTOPHER WALLACE,**

Plaintiffs,

vs.

**ROBIN CARNAHAN FOR SENATE,
INC.,**

Defendant.

Case No. 10-00906-CV-W-GAF

ORDER DENYING MOTION TO EXPEDITE

On September 15, 2010, Plaintiffs Fox News Network, LLC and Christopher Wallace (collectively “Plaintiffs”) filed their Complaint in this action against Defendant Robin Carnahan for Senate, Inc. (“Defendant”) for allegedly engaging in copyright infringement and misappropriation of another’s likeness. (Doc. # 1). On September 20, 2010, Defendant filed its Motion to Expedite Pursuant to 28 U.S.C. § 1657. (Doc. # 4). Defendant specifically requested the Court enter an expedited briefing schedule as set forth below:

1. Defendant files any dispositive motions or motions to dismiss by September 22, 2010; and
2. Plaintiffs file Suggestions in Opposition, and Defendant files Reply Suggestions, within expedited time periods determined in the Court’s discretion after consultation with the parties.

(Docs. ## 4, 5). Plaintiffs opposed. (Doc. # 9).

On October 8, 2010, Defendant filed with the Court its Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6). Because (a) the time suggested by Defendant to file its dispositive motion(s)

has lapsed and (b) Defendant has now filed a dispositive motion, Defendant's Motion to Expedite is moot. Further, no good cause presently exists for burdening either party with an expedited briefing or scheduling order.¹ Therefore, it is

ORDERED that Defendant's Motion to Expedite is DENIED.

s/ Gary A. Fenner
Gary A. Fenner, Judge
United States District Court

DATED: November 4, 2010

¹The parties are, however, free to move for expedited scheduling again in the future if, at that time, they feel circumstances warrant such an order.